

## Chapter 3

### ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES

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#### 10-3-010: PURPOSE:

The purpose of this Chapter is to set forth procedures for considering various types of land use and development applications to assure that applications of the same type will be processed on a uniform basis consistent with applicable law.

#### 10-3-020: SCOPE:

Application for land use and development approvals shall be submitted, reviewed, and approved as provided in this Chapter.

### **10-3-030: GENERAL APPLICATION REQUIREMENTS:**

The following general requirements shall apply to any application required by this Title:

- A. Application Forms.** Applications shall be submitted on forms provided by the Community Development Department. Applicants shall submit all applications for land use permits, rezone requests, conditional use permits, building permits, lot line adjustments, plat amendments, street vacations, or other land-use permits to the Community Development Department for zoning review. Such review shall assure compliance with the requirements of this Title.
- B. Accurate Information.** All documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this Title shall be accurate and complete.
- C. Determination of Complete Application.** After receipt of an application, the Community Development Department, after a reasonable period of time shall determine whether all objective ordinance-based application criteria have been met.
- D. Fees.** When an application is filed the applicant shall pay to the City a fee as provided in the City's schedule of fees as adopted by the Legislative Body. Any application not accompanied by a required fee shall be returned to the applicant as incomplete.
  - 1. Fees shall be non-refundable except as provided in subsection (F) below.
  - 2. Fees shall not be required for applications initiated by the City.
- E. Remedy of Deficiencies.** If an applicant fails to correct specified deficiencies within thirty (30) days after notification thereof the City may deem the application to be withdrawn and shall return it to the applicant upon request. Application fees shall be refunded to the applicant, less any fee established to cover the cost of determining completeness of the application.
- F. Decision Date.** The date of a decision or recommendation shall be the date when the decision or recommendation is made by the decision making body or official, and will be given within a reasonable amount of time that is reflective of the scope of the application.
- G. Extensions of Time.** Unless otherwise prohibited, upon written request, any decision making body or official having authority to grant approval of an application, may without notice, or hearing, grant extensions of any time limit imposed by this Title on such application, its approval, or the applicant. All written requests must be received prior to the original expiration date, unless the City Staff, or Land Use Authority, has initiated an extension prior to the

original expiration date. The total period of time granted by any such extension or extensions shall not exceed half the length of the original time period.

**H. Expired Application.** If within six (6) months after an application has been filed, the applicant has not taken substantial action to obtain approval thereof, the application shall expire, and any vested rights accrued there under shall terminate.

**I. Written Findings:** The Land Use Authority or Legislative Body shall prepare written findings on any application that it denies, amends, or approves. These findings shall state the reasons for the action and the provisions of this Code, other City ordinances and guidelines, or applicable state or federal laws or regulations, the proposed conditions of action to be imposed and the reasons why those conditions were necessary.

**J. Pending Ordinance Amendment.** See Section 10-3-080

### **10-3-040: LAND USE DECISIONS AND APPEAL PROCESS:**

This Chapter shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws but shall prevail over provisions that are less restrictive.

**Table 3-1** of this Chapter reflects the proper procedures governing land use decisions and appeals. Land use applicants shall have fifteen (15) days to appeal any decision to the appropriate Appellate Body. If the applicant desires to continue the appeal beyond the decision of the Appellate Body, they must file such appeal with the District Court within thirty (30) days from the date on which the Appellate Body rendered its decision.

All required Public Hearing and Notice will follow provisions in 10-3-050 and 10-3-060.

No person may challenge in district court a municipality's **land use** decision made under this chapter, or under a regulation made under authority of this chapter, until that person has exhausted the person's administrative remedies as provided in Part 7 of Utah State Code, Appeal Authority and Variances, if applicable.

**Table 3-1: Land Use Authority Procedures.**

<b>DECISION TO BE MADE</b>	<b>ADVISORY BODY</b>	<b>LAND USE AUTHORITY</b>	<b>APPELATE BODY</b>	<b>EXTERNAL APPEAL</b>
Adoption of or Amendments to General Plan	Planning Commission (public notice required at inception of the process and one public hearing and notice required prior to recommendation)	City Council	District Court	15 days from decision by legislative body
Adoption of or Amendments to Land Use Ordinance	Planning Commission (public hearing and notice required )	City Council	District Court	15 days from decision by legislative body
Annexation Policy Plan	Planning Commission (public hearing and notice required)	City Council	Appeal Authority as designated by Legislative Body then if needed on to District Court	District Court (appeal within 15 days from decision by Appellate Body)
Annexation Application	Planning Commission (Public hearing if required by local ordinance)	Legislative Body (public hearing and notice required)	Appeal Authority as designated by Legislative Body then if needed on to District Court	District Court (appeal within 15 days from decision by Appellate Body)
Administrative Decisions	None	Planning Commission/Land Use Administrator (minimum of 10 days to appeal)	City Council (appeal within fifteen [15] days of decision)	District Court (appeal within 15 days from decision by Appellate Body)
Conditional Use Permits	Land Use Administrator/ Planning Commission	Legislative Body/City Council	Board of Adjustments (fifteen [15] days from decision by Land Use Authority)	District Court (appeal within 15 days from decision by Appellate Body)
Non-Conforming Uses and Non-Complying Structures	None (As designated by municipal ordinance. *need to allow rebuild provision in lieu of fire, etc...)	Planning Commission (Land Use Authority as designated by Legislative Body in municipal ordinance)	City Council (fifteen [15] days from decision by Land Use Authority)	District Court (appeal within 15 days from decision by Appellate Body)
Adoption of or Amendments to Subdivision Ordinance	Planning Commission /Land Use Authority as designated by Legislative Body in	Legislative Body	District Court	15 days from decision by land Use Authority

	municipal ordinance (Public hearing and notice required)			
Subdivision Applications and Plat Approvals	<b>Planning Commission</b>	City Council	District Court	15 from decision by Land Use Authority
Vacations or amendments of Subdivision Plats	Planning Commission Public hearing is not required	City Council Public hearing required to be held 45 days after application is filed. * (see below)	District Court	15 days from decision by Land Use Authority
Amendments to Platted Streets/Vacations	Planning Commission	City Council (public hearing and notice required)	Appeal Authority as designated by Legislative Body	District Court (appeal within 15 days from decision by Appellate Body)

\* Public hearing requirement does not apply and a land use authority may consider at a public meeting an owner's petition to alter a subdivision plat if: (a) the petition seeks to join two or more of the owner's contiguous, residential lots; and (b) notice has been given to adjacent property owners (see Notice 10-3-060) and pursuant to local ordinance.

### 10-3-050: PUBLIC HEARINGS AND MEETINGS:

Any public hearing or meeting required under this Title, as the case may be, shall be scheduled and held subject to the requirements of this section. (Ord. 2009)

#### A. Public Hearings:

1. **Scheduling a Public Hearing.** An application requiring a public hearing or meeting shall be scheduled within a reasonable amount of time: subject to the requirements of Notice set forth in section **10-3-060** of this Code.
2. **Public Hearing Procedures.** The following procedures shall apply to a public hearing conducted pursuant to this Title, once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed.
  - a. All persons speaking before any City department, committee, commission, board or the City Council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesman is associated with the architect or engineer whose name appears on the plans or if the owner is present.

- b. The Planning Commission or Staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project.
  - c. The body, or official conducting a public hearing, may exclude testimony or evidence that it finds to be unduly repetitious or otherwise inadmissible.
  - d. The body or official conducting a public hearing may, upon the body's or official's own motion, postpone the hearing or meeting. An applicant may request and be granted one (1) postponement. Thereafter, any postponement shall be granted at the discretion of the body or official conducting the public hearing or meeting.
- 3. **Withdrawal of Application.** An applicant may withdraw an application at any time prior to action on the application by the decision making body or official. Application fees shall not be refundable under the following circumstances:
  - a. A staff review of the application has been undertaken; or
  - b. Notice for a public hearing on the application has been mailed, posted or published.
- 4. **Record of Public Hearing.** Except where required otherwise by statute, the body or official conducting the public hearing shall record the proceedings thereof by any appropriate means.
  - a. A copy of the public hearing record may be acquired upon request with the payment of a fee to cover the cost of duplication of the record.
  - b. The minutes, tape recordings, applications, exhibits, papers and reports submitted in any proceeding before the decision making body or official, and the decision of the decision making body or official shall constitute the record thereof.
- 5. **General Requirements for Findings and Decisions.** Action shall be taken in compliance with any time limits established in this Title. Except for those public bodies whose decisions shall be made by motion or ordinance, all decisions shall be in writing and shall include the following elements at minimum:
  - a. A summary of evidence presented to the decision making body or official;

- b. A statement of approval, approval with conditions, or disapproval, as the case may be.

- 6. **Notification.** Notice of a decision by the decision making body or official shall be provided to an applicant within a reasonable time.

#### **B. Other Public Meetings.**

- 1. **Scheduling a Public Meeting.** An application requiring a public meeting shall be scheduled within a reasonable time in light of:

- a. The complexity of the application submitted;
- b. The number of other applications received which require a hearing;
- c. Available staff resources; and
- d. Applicable public notice requirements.

- 2. **Record of Public Meeting.** Except where required otherwise required by statute, the body or official conducting the public meeting shall record the proceedings thereof by any appropriate means. A copy of the public meeting record may be acquired upon request and payment of a fee to cover the cost of duplication of the record. The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision making body or official, and the decision of the decision making body or official shall constitute the record thereof.

- 3. **Notification.** Notice of a decision by the decision making body or official shall be provided to an applicant within a reasonable time.

#### **C. Joint Hearings.**

- 1. All directives outlined under 10-3-050A shall be followed in Joint Hearings.
- 2. At the option of the Legislative Body, the hearings before the Land Use Authority and the Legislative Body may be consolidated into a single hearing, provided that separate votes shall be taken by the Land Use Authority and the Legislative Body. The Land Use Authority vote shall be taken first followed by a vote of the Legislative Body on the recommendation of the Land Use Authority.
- 3. Notice for any joint hearing shall comply with the notice requirements set forth in **Section 10-3-060** of this Code.

## **10-3-060: NOTICING:**

**A. Purpose.** Notice of hearings before the designated Land Use Authority and Legislative Body concerning amendments to the General Plan, Zoning Map, and this Development Code, preliminary and final subdivision plat approvals, conditional use approvals, master planned development approvals, temporary use permits, certificates of appropriateness for design or demolition, appeals, variances and other requests or actions of the Appeal Authority shall be provided in accordance with this section.

**B. Notice Period. See Table 3-2**

1. Notice of amendments to the General Plan, Development Code and Zoning Map shall be given at least ten (10) days before the date set for the hearing.
2. Notice of amendments or vacation of subdivision plats, or city streets, shall be given in accordance with State law.
3. All other notice required herein shall be given at least ten (10) days before the hearing.
4. All notice required under this section shall be given as noted in Table 3-2.

**C. Posted Notice. See Table 3-2**

The City Staff or Land Use Authority Chair shall post or cause to be posted, notice in at least three public places within the City and on property in question. Notice shall state: Date, Time, Place, and Content/Reason for Hearing, or Meeting.

1. Internet Postings on the Official City Site may be counted as one (1) public place
2. Postings on the Property shall be in a prominent, visible location on the property so as to inform passersby.
  - a. Posting on property shall not be required to stay posted for duration of proceedings regarding said property.

**D. Published Notice. See Table 3-2**

Published notice, at the applicants' expense, shall be given by publication in a newspaper having general circulation in Coalville. Published notice shall state: Date, Time, Place, and Content/Reason for Hearing or Meeting.

**E. Mailed/E-mailed Notice.** The applicant shall provide the City with:



1. Stamped and pre-addressed envelopes for each owner of record of each parcel located entirely, or partly, within three hundred (300) feet from any boundary of the property or project site subject to the application.
2. Mailing list for said adjoining owners. The addresses for which shall be as shown on the most recently available Summit County tax assessment rolls.
3. The courtesy notice shall state: Date, Time, Place, and Content/Reason for Hearing or Meeting.
4. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the Land Use Authority, Legislative Body or Appeal Authority.

**F. Proof of Notice.** Proof that notice was given pursuant to either Section 10-3-060C or 10-3-060D above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged within thirty (30) days from the date of the hearing for which the challenged notice was given, as provided for under State law, the notice is considered adequate and proper.

**G. Notice to Applicant and Possible Waiver of Requirements.**

1. For each land use application, the municipality shall:
  - a. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application.
  - b. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting.
  - c. Notify the applicant of any final action on a pending application.

If a municipality fails to comply with these requirements, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

**Table 3-2 Coalville City Application Notice Matrix**

Land Use Decision	Time	Notice Type
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<b>Preparation, Adoption or Amendments of General Plan</b>	A. Upon inception of the initial process to generally plan or the process for any comprehensive Plan amendment	A. For all municipalities: Notice mailed or emailed to: 1. "affected entities" For municipalities within a 1st or 2nd class county 1. LOCAL AOG 2. State Planning Coordinator (GOPB Office) 3. Automated Geographic Reference Center (AGRC)
	B. 10 days prior to first public hearing	B. Published in paper and posted in 3 public places or on website
	C. 24 hours notice of each public meeting	C. Posted in 3 public places or on website
<b>Adoption or Amendments of Land Use Ordinance</b>	A. 10 days prior to first public hearing:	A. Published in paper and posted in 3 public places or on website and Notice mailed or emailed to: "affected entities".
	B. 24 hours notice of each public meeting	B. Posted in 3 public places or on website
<b>Annexation Policy Plan</b>	A. 14 days prior to first public meeting	A. Notice mailed or emailed to: "affected entities"
	B. 14 days prior to first public hearing	B. Notice mailed or emailed to: 1. "affected entities" 2. Published in paper 3. Posted in 3 public places or on website
	C. 30 days after adoption	C. Copy to County
<b>Appeal of Permit Decision</b>	Ten Day minimum.	Notice must be given to applicant.
<b>Appeals to BOA, City Council</b>	Ten (10) days prior to first hearing.	Published in paper and posted in 3 public places or on website and Notice mailed or emailed to: "affected entities".
<b>Acquisition/ Disposition of Public Property</b>	Fourteen (14) days prior to first public hearing	Notice mailed or emailed to "affected entities" and published in paper and posted in 3 public places or on website
<b>Land Use Application</b>		Notify the applicant of the date, time, and place of each public hearing and public meeting and of any final action on a pending application.
<b>Nonconforming Uses/Non Complying Structures</b>	See <b>Variance, Special Exemptions</b>	
<b>Preliminary Plats and Final Plats, Conditional Uses, Master Planned Developments</b>	Ten (10) days prior to public meeting	Notice mailed or emailed to "affected entities" and published in paper and posted in 3 public places or on website
<b>Subdivision Plat Approval or Amendment</b>	10 calendar days prior to public meeting *10 lots or less are exempt from noticing if you choose to acknowledge the state subdivision exemptions.	Notice mailed or emailed to: 1. to the record owner of each parcel within specified parameters of that property; OR 2. Posted, on the property to give notice to passers-by.

<b>Vacating or amending a Subdivision Plat</b>	10 calendar days prior to public meeting. If public hearing is required due to exceptions then 10 calendar day notice is required.	Notice mailed to the record owner of each parcel within specified parameters of that property OR posted on the property proposed for subdivision.
<b>Vacating some or all of a public street, right of way or easement</b>	10 calendar days prior to public hearing.	Mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement; mailed to each affected entity; Posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public; and Published in a newspaper of general circulation in the municipality in which the land subject to the petition is located.
<b>Variance, Special Exemptions, Modifications and Hardship Relief Petitions</b>	Ten (10) days prior to first hearing.	Published in paper and posted in 3 public places or on website and Notice mailed or emailed to: "affected entities".
<b>Land Use Decision</b>	<b>Time</b>	<b>Notice Type</b>

### 10-3-070: GENERAL PLAN AMENDMENTS:

**A. Purpose.** For purposes of this Section, amendment shall include the addition of new provisions to the General Plan and any comprehensive revisions to or adoption of the same.

1. The Legislative Body has previously adopted the Coalville City General Plan. It may become desirable to amend the provisions of the General Plan, to stay viable and useful to the City. Any amendment to the General Plan, Code or Zoning Map should be consistent with each other. This section sets forth procedures for amending the Coalville City General Plan.

**B. Authority.** The Legislative Body may from time to time amend the General Plan as provided in this section. Such amendments may include any matter within the scope of the General Plan.

**C. Initiation.** Amendments to the General Plan may be initiated by the Planning Commission, City Council, an applicant for development approval, or member of the general public. Amendments may be initiated by, but are not necessarily limited to, the following reasons:

- a. Allowing a use previously prohibited
- b. Prohibiting a use previously allowed.
- c. Increasing or decreasing the density of the uses previously allowed.

- d. Changing the zone of any property.
- e. Procedural or regulatory changes, both minor and major.
- f. Zoning map amendments or modifications
- g. Any other miscellaneous changes that may become necessary.

It should be noted that many amendments to the Zoning Map and this Development Code may require an amendment to the General Plan as well. If a petition would require changes to the General Plan, it should be so noted on the petition and the changes should be considered accordingly.

**D. Procedure.** General Plan amendments shall be considered and processed as provided in this subsection.

1. An application shall be submitted to the Community Development Department in a form established by the Department, along with any fee established by the City's schedule of fees. The Legislative Body, Land Use Authority, or authorized City staff may initiate a General Plan amendment at any time without submittal of an application or payment of any fee.
2. A person proposing General Plan amendments shall do the survey and analysis work necessary to justify the proposed amendment. To ensure the Land Use Authority and Legislative Body have sufficient information to evaluate a proposed amendment, an applicant shall submit a completed application, following all directions and requests on the application.
3. After an application is determined to be complete or prior to the initiation of a City-initiated General Plan amendment, the City shall provide notice of intent to prepare or amend the General Plan in accordance with the provisions of Section 10-3-060.
  - a. After providing notice of intent to prepare or amend the General Plan, the Community Development Department shall prepare a staff report evaluating the application.
4. The Planning Commission shall schedule and hold a public hearing on the proposed amendment. Public notice shall be provided in accordance with the provisions of Section 10-3-060.
  - a. After the public hearing, the Planning Commission may modify the proposed General Plan.

- b. The Planning Commission shall then forward its recommendation regarding the proposed General Plan amendment to the Legislative Body.
  5. The Legislative Body shall schedule and hold a public hearing on the proposed General Plan recommended to it by the Land Use Authority. Public notice shall be provided in accordance with the provisions of Section 10-3-060.
- E. Joint Hearings.** Joint Hearings involving General Plan Amendments will follow the provisions outlined in section 10-3-050C of this code.
- F. Standards for Decision.** A decision to amend the General Plan is a matter within the legislative discretion of the Legislative Body.
1. After the public hearing described in Subsection (d)(5) of this Section, the Legislative Body may make any modifications to the proposed General Plan it considers appropriate.
  2. The Legislative Body may adopt or reject the proposed General Plan amendment either as proposed by the Land Use Authority or after making any revision that the Legislative Body considers appropriate.
    - a. The Legislative Body may also table the matter for further information, consideration or action.
  3. A decision to amend the General Plan is a matter committed to the legislative discretion of the Legislative Body and is not controlled by any one standard. However, in making an amendment, the Legislative Body should consider the following factors:
    - a. Is the Amendment consistent with the goals, objectives, and policies of the General Plan.
    - b. Is the amendment compatible with adjacent land uses and will not adversely impact the character of the surrounding area
    - c. Is the proposed development plan for the property in general compliance with all applicable standards and criteria for approval as described in the development code.
    - d. Will the amendment adversely affect the public health, safety and general welfare of the community.
    - e. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation

facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

**G. Appeal of Decision.** Any person adversely affected by a final decision of the Legislative Body to amend the General Plan may appeal that decision to the district court as provided in Utah Code Ann. as amended.

**H. Effect of Decision: (Approval)** Approval of an application to amend the General Plan shall not be deemed an approval of any zone, conditional use permit, site plan, or other permit. Approval of a particular zone or permit shall be obtained in accordance with the respectable applicable provisions of this Title.

**I. Effect of Decision: (Denial)** Disapproval by the Legislative Body of an application to amend the General Plan shall preclude a person from filing of another application covering substantially the same subject or property, or any portion thereof, for six (6) months from the date of the disapproval.

1. This section shall not limit the Legislative Body, Land Use Authority, or authorized City staff from initiating a General Plan amendment at any time.

### **10-3-080: ZONING MAP AND TEXT AMENDMENTS:**

**A. Purpose.** This section sets forth procedures for amending the provisions of this Title and the zoning map.

**B. Authority.** The City Council may amend the text of this Title and the zoning map as provided in this section as they deem necessary. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations or any other provision of this Title. The provisions set forth herein shall not apply to temporary zoning regulations which may be enacted without public hearing in accordance with the Utah Code, as amended.

**C. Initiation.** Proposed amendments to the text of this Title and the zoning map may be initiated by the Legislative Body, Land Use Authority or a property owner affected by the proposed amendment as provided in Subsection 10-3-080(d) below.

**D. Procedure.** Zoning text and map amendments shall be considered and processed as provided in this subsection.

1. A complete application illustrating or describing the proposed amendment shall be submitted to the City in a form established by the City along with an application fee established by the City's schedule fees.
  2. After the application is determined to be complete, the Community Development Director shall prepare a staff report evaluating the application.
  3. The Planning Commission shall schedule and hold a public hearing on the application following the provisions in Sections 10-3-050, and 10-3-060 of this Chapter.
    - a. Following the public hearing the Planning Commission shall recommend approval, with modifications, or denial of the proposed amendment and shall submit its recommendation to the City Council for review and decision.
  4. The Legislative Body shall schedule and hold a public hearing on the application following the provisions in Sections 10-3-050, and 10-3-060 of this Chapter.
    - a. At the public hearing the City Council may approve, approve with modifications or deny the proposed amendment.
  5. At the option of the City Council, a Joint public hearing may be scheduled. Joint hearings will follow the provisions set forth in Section 10-3-050C
- E. Standards for Decision.** A decision to amend the text of this Title or the zoning map is a matter committed to the discretion of the Legislative Body and is not controlled by any one standard. However, in making an amendment, the Legislative Body will consider the following factors:
1. Is the amendment consistent with the goals, objectives, and policies of the General Plan.
  2. Whether the proposed amendment is harmonious with the overall Character of existing development in the vicinity of the subject property.
  3. Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
  4. Will the proposed amendment adversely affect adjacent property; and

5. The adequacy of facilities and services intended to serve the subject Property, including but not limited to roadways, parks, and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

**F. Appeal of Decision.** Any party adversely affected by a decision of the Legislative Body to amend the text of this Title or the zoning map may, within thirty (30) days after such decision, appeal to the District Court as provided in Section of the Utah Code, as amended.

**G. Effect of Decision (Approval).** Approval of an application to amend the provisions of this Title or the zoning map shall not be deemed an approval of any conditional use permit, site plan or other permit. Approval of such permits shall be obtained in accordance with their own respectable and applicable provisions of this Title.

**H. Effect of Decision (Denial).** Denial of an application to amend the provisions of this Title or the zoning map shall preclude the filing of another application covering substantially the same subject or property, or any portion thereof, for one (1) year from the date of the disapproval, except as follows:

1. Another application may be sooner considered if:

- a. The Land Use Authority determines a substantial change in circumstances has occurred to merit consideration of the application; or
- b. The application is for a change to a different zone.

2. The Legislative Body or Land Use Authority may propose any text or zoning map amendment at any time.

**I. Pending Ordinance Amendments.**

1. When the City has formally initiated proceedings to amend the zoning map or text of this Title, a person who thereafter files an application which may be affected by the proposed amendment shall not be entitled to rely on the existing zoning map or text which may be amended.
  - a. A proposed zoning map or text amendment shall be deemed formally initiated when the amendment proposal first appears on a Land Use Authority or Legislative Body agenda, as the case may be, and such agenda has been noticed as required in this Chapter.
  - b. An application shall be deemed filed when all materials required for the application have been submitted and all applicable fees paid, as set forth in this Title.



2. An application affected by a pending amendment to the zoning map or text of this Title shall be subject to the following requirements:

- a. The application shall not be acted upon until six (6) months from the date when the pending amendment to the zoning map or text of this Title was first noticed on a Land Use Authority or Legislative Body agenda, as the case may be, unless:
  - i. The applicant voluntarily agrees to amend his application to conform to the requirements of the proposed amendment; or
  - ii. The proposed amendment is sooner enacted or defeated, as the case may be.
- b. If a pending amendment to the zoning map or text of this Title is enacted within six (6) months after being noticed on a Land Use Authority or Legislative Body agenda, an affected application, which was filed while the amendment was pending, shall conform to the enacted amendment.
- c. If a pending amendment to the zoning map or text of this Title is not enacted within six (6) months after being noticed on a Land Use Authority or Legislative Body agenda, the amendment shall no longer be considered pending, and any affected application may be approved without regard to the previously pending amendment.

3. The Community Development Department shall give an applicant affected by a pending amendment written notice that:

- a. There is pending legislation;
- b. The application may require changes to conform to a zoning map or text amendment which may be enacted; and
- c. Copies of the pending legislation are available at the Community Development office.

4. All provisions herein are intended to and shall comply with the provisions of Utah Code Ann. as amended.

### **10-3-090: INFRASTRUCTURE/ENGINEER REVIEW:**

The City Council and Planning Commission have determined that the various aspects of the Permitted and Conditional Review process, as well as the infrastructure review and environmental impact review process of sensitive lands

require certain expertise in dealing with special or unique technical situations. These situations may be better dealt with through a Structural/Engineer Review made up of experts in the field to review the permit and make recommendations to the Planning Commission and City Council regarding conditions of approval. The members shall be appointed by the Mayor, with input of the City Council. The members of the Committee shall act as Staff to the Planning Commission.

The Structural/Engineer Experts may review a project as directed by the Planning Commission and submit a certificate of review, or memorandum with comments, findings, and concerns to the Planning Commission prior to their approval of conditions to the permit.

### **10-3-100: VARIANCES:**

**A. Purpose.** Where the Appeal Authority finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Appeal Authority may approve variances to these development standards and subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. Further, the Appeal Authority shall not approve variances unless it shall make findings based upon the evidence presented that the requirements outlined in this Code have been satisfied.

In approving variances, the Appeal Authority may require any conditions that will, in their judgment, support the objectives of the standards or requirements of these regulations.

A petition for any such variance shall be submitted on an application form provided by the City and approved or denied in accordance with the Utah Code and Section 10-3-100 herein.

Any variances or special exceptions to this Title shall be granted only by the Appeal Authority under the provisions of 10-3-100, herein, prior to the issuance of any conditional use, master planned development, subdivision approval or any other development approval. All action on an application shall be stayed upon learning that a variance or special exception is required until the applicant shall have obtained the variance, special exception or denial by the Appeal Authority.

This section sets forth procedures for considering and approving a variance to the provisions of this Title. Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular

unforeseen applications of the provisions of this Title that create unreasonable hardships.

**B. Authority.** The Appeal Authority is authorized to hear and decide variances to the provisions of this Title as provided in this section.

**C. Initiation.** A property owner, or the owner's agent, may request a variance to the provisions of this Title as provided in Subsection 10-3-100(d) below.

**D. Procedure.** An application for a special exemption shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to City Officials, fulfilling all requirements, fees, and requests presented therein.
2. City Staff will review the application and determine its completeness as set forth in Section 10-3-030 of this Chapter.
3. After the application is determined to be complete, the City shall schedule a Public Hearing before the Appeal Authority and follow procedures set forth in Section 10-3-050 of this Chapter.
4. Notice of the Hearing should follow procedures set forth in Section 10-3-060 of this Chapter.
5. A staff report evaluating the application shall be prepared by the Community Development Department before the Public Hearing takes place.
6. The Appeal Authority shall hold a public meeting following the guidelines and procedures set forth in Section 10-3-050 of this Chapter, specifically 10-3-050A-5. As well as approve, approve with conditions or deny the application pursuant to the standards set forth in Section (E) below.
7. After the Appeal Authority makes a decision, the Community Development Department shall comply with the Notice of Decision procedure in Section 10-3-050A-6 of this chapter.
8. Record of all variances shall be maintained as set forth in Section 10-3-050A-4 of this Chapter.

**E. Approval Standards.** In accordance with Sections of the Utah Code, the following standards shall apply to a variance.

1. The Appeal Authority may grant a variance only if:

- a. Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;
  - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
  - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
  - d. The variance will not substantially affect the General Plan
  - e. The variance will not affect the health, safety, and welfare of the general public.
  - f. The spirit of this Title is observed and substantial justice done.
2. The Appeal Authority may not find an unreasonable hardship unless the alleged hardship:
  - a. is located on or associated with the property for which the variance is sought
  - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
3. The Appeal Authority may not find an unreasonable hardship exists if the hardship is self-imposed or economic.
4. The Appeal Authority may find that special circumstances exist only if the special circumstances:
  - a. relate to the hardship complained of; and
  - b. deprive the property of privileges granted to other properties in the same zoning district.
5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
6. Variances run with the land.
7. The Appeal Authority may not grant a use variance.

8. In granting a variance, the Appeal Authority may impose additional requirements on an applicant that will:
    - a. Mitigate any harmful effects of the variance; or
    - b. Serve the purpose of the standard or requirement that is waived or modified.
  9. The Appeal Authority may grant a more restrictive variance than that requested, when the record supports the applicant's right to relief, but not to the extent requested.
- F. Appeal of Decision.** Any person adversely affected by a decision of the Appeal Authority regarding a variance may only appeal such decision to the District Court as provided in Utah State Code (10-9a-801).
- G. Effect of Approval.** A variance shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this Title or other applicable provisions of the Coalville City Code.
- H. Amendments.** The procedure for amending any variance decision shall be the same as the original procedure set forth in this Section.
- I. Expiration.** Variances shall not expire but shall run with the land.

### 10-3-110: BUILDING PERMIT:

- A. Purpose.** This section sets forth procedures for determining zoning compliance of a building permit application.
- B. Authority.** The Community Development Director or his/her designee is authorized to review building permits for zoning compliance as provided in this section.
- C. Development Approval Required.** No building permit(s) shall be issued for any project without final development approval. Development proposals shall be reviewed according to either the Permitted Use Review process or the Conditional Use Review process, which includes Master Planned Developments, Subdivisions and Commercial Developments. Final approval of subdivisions, commercial developments and conditional uses must be granted by the Legislative Body. Upon issuance of final development approval, the plans will be forwarded to the Building Official for review and building permit issuance under the provisions of the Building Code.



**D. Zoning and Building Permits.** Construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition of any building or structure or any part thereof, as provided for or as restricted in this Code and the Building Code, shall not be commenced except as approved by the City for compliance with this Code and a building permit has been issued.

**E. Initiation and Procedure.** Any person may apply for a building permit as provided in the current building codes adopted by the City. Zoning compliance of a building permit application shall be determined as follows.

1. A completed building permit application must be submitted to City Staff, along with the applicable fee established in the Schedule of Fees.
2. The Land Use Administrator, or appointee, will review the application to determine zoning compliance. The following will be considered in the process.
  - a. If the building, structure, or use when built, or the land on which it is located is in complete compliance with every provision of this Title
  - b. Any applicable conditions of approval required under a permit application.

**F. Approval Standards.** No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform in every respect with applicable provisions of this Title and any applicable conditions of approval required under a permit applicable to the subject property.

**G. Appeal of Decision.** Any person adversely affected by a decision of the Land Use Administrator regarding zoning compliance of a building permit may appeal to the Appeal Authority in accordance with the provisions of Section 10-3-150 of this Chapter.

**H. Effect of Approval.** Approval of zoning compliance shall authorize an applicant to proceed with the building permit review process.

**I. Amendments.** The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this Section.

**J. Expiration.** Subject to an extension of time, a building permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within one hundred eighty (180) days.

**10-3-120: CONDITIONAL USE PERMITS:**

- A. Purpose.** This section sets forth procedures for conditional use permit review and decision.
- B. Authority.** The Land Use Authority is authorized to issue conditional use permits as provided in this section.
- C. Initiation.** A property owner, or the owner's agent, may request a conditional use permit as described below.
- D. Procedure.** An application for a conditional use permit shall be processed in the following manner:
1. **Pre-Application Conference:** A pre-application conference shall be held with the Staff and applicant to determine the nature of the use and the general nature of conditions that might be imposed. At the pre-application conference, the Staff and the applicant shall review the following:
    - a. application form
    - b. materials and information needed to complete the form
    - c. procedures used in reviewing the conditional use.
  2. **The Application:** A conditional use application must be completed and filed on a form prepared by the City (two sets are required).
    - a. Additional information may be requested at the pre-application conference based on the nature of the project or the site.
    - b. Other documentation may be requested as noted on the application.
  3. **Notice/Posting:** Upon receipt of the complete conditional use application and payment of all applicable fees, the Staff shall follow the Notice Provisions set forth in Section 10-3-060.
- E. City Action.**
1. **Time Frame:** Once an application is received, the Staff shall review the application. The Application will appear before the Land Use Authority with a recommendation within sixty (60) days of receipt of the application, if the applicant has been diligent in responding to requests for additional information required to process the application. A longer processing period

may be needed depending on scale, and scope, and complexity of the application. In such cases, the Staff shall inform the applicant of the projected processing time frame when an application is filed.

2. **Staff Review:** Staff shall review the project and may recommend appropriate conditions of approval based on the *Standards for Review* outlined below to mitigate adverse effects, and to preserve the character of the zone. The conditional use application shall then be placed on the agenda of the Land Use Authority for approval consideration.
  - a. The Staff may recommend immediate review of the use at the next scheduled Land Use Authority meeting under the following conditions.
    - i. Notice requirements must be met as defined in section 10-3-060, and
    - ii. The City Staff determines that the conditions may be better prepared and evaluated by the Land Use Authority, or
    - iii. The use requested is a minor or temporary conditional use.
3. **Standards for Review:** The Standards for review are set forth in order to ensure the proper consideration is taken in lieu of approving a Conditional Use and/or as follows.
  - a. the Application complies with all requirements of this LMC;
  - b. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
  - c. the Use is consistent with the General Plan, as amended; and
  - d. The effects of any differences in Use or scale have been mitigated through careful planning.
  - e. Review the following items to mitigate adverse impacts.
    - i. All applicable points of this Code have been complied with
    - ii. Compliance of the conditional use process has been achieved
    - iii. size and location of the Site;
    - iv. Traffic considerations including capacity of the existing streets in the area;
    - v. utility capacity;
    - vi. emergency vehicle Access;
    - vii. location and amount of off-Street parking;
    - viii. internal vehicular and pedestrian circulation system;
    - ix. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;



- x. Building mass, bulk, and orientation, and the location of buildings on the Site; including orientation to Buildings on adjoining Lots;
- xi. usable Open Space;
- xii. signs and lighting;
- xiii. physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
- xiv. noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
- xv. control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;
- xvi. expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and
- xvii. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

4. **Land Use Authority Review:** The Planning Department and/or Land Use Authority must follow **Standards for Review** outlined above.

The Land Use Authority may further amend, add or delete conditions recommended by the Staff. The Land Use Authority shall recommend approval or denial of the proposed Conditional Use to the Legislative Body for their review and consideration at the next regularly scheduled Legislative Body meeting, if notice requirements of Section 10-3-060 can be met.

5. **Legislative Body Review:** A conditional use shall be approved by the Legislative Body if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the Standards for Review (section 10-3-120).

If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The Legislative Body may also remand the Conditional Use Application back to the Land Use Authority for further review and evaluation.

If the Legislative Body denies the use, the applicant may amend and re-submit the application to the Land Use Authority or appeal to the Appeal Authority.

After approval by the Legislative Body, building permits may be issued by the City Building Official as provided in the Building Code and this Code.

6. **Appeal:** If Staff and the Applicant are not able to agree on conditions of approval, the Applicant may still go before the Land Use Authority for review or may withdraw the application. The review shall appear on the agenda for the next regularly scheduled Land Use Authority meeting that meets notice requirements of Section 10-3-060.

If Staff does not act on an application or indicate to the Applicant what aspects of the plan are not acceptable as proposed within sixty (60) working days after submission, the Applicant shall have the right of review by the Land Use Authority. The Applicant may, at any time in the review process, request review of the conditions of approval by the Land Use Authority.

If the applicant does not agree with the findings or actions of the Land Use Authority or the Legislative Body, the appeal is to be heard by the Appeal Authority, as per Section 10-3-150

7. **Plat Approval:** When a conditional use requires the recording of a plat, the final plat shall be reviewed by the Land Use Authority and Legislative Body for approval. The scope of review for plat approval is set forth below. Plat approval may be granted at the same time as the Conditional Use Approval.
8. **Transferability:** A Conditional Use Approval including all conditions of development approval may be transferable, conveyed or assigned by the applicant with the title to the underlying property.

The Conditional Use cannot be transferred off the site on which the approval was granted.

9. **Expiration:** Conditional Use approvals shall expire one (1) year from the date of the Legislative Body approval or as otherwise specified during the review and approval process, unless substantial construction activity has commenced on the project.

Substantial construction activity is evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project).

Construction of a footing and foundation is not evidence of substantial construction activity unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are obtained within six (6) months of the issuance of the footings and foundation permit.

Demolition permits do not evidence substantial construction work for purposes of extending a conditional use approval. Whether construction has commenced or not, the Legislative Body may grant an extension of the Conditional Use Approvals for up to one (1) additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction such as inclement weather, delays in financing, or similar reasons.

Where the Legislative Body has granted a temporary conditional use approval, the expiration will occur on the date specified by the Land Use Authority, or the Legislative Body. Renewal of a conditional use will require a complete re-application to be submitted for review and approval.

**10. Standards for Review:** No Conditional Use shall be approved unless the application complies with all requirements of the Code; the use is compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the General Plan; and that the effects of any differences in use or scale have been mitigated through careful planning. Each of the following items shall be reviewed when considering a Conditional Use Approval:

- a. Size and location of the site.
- b. Traffic considerations including capacity of the existing streets in the area, location and amount of off-street parking, and internal traffic circulation.
- c. Utility capacity.
- d. Emergency vehicle access and control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas.
- e. Fencing, screening, and landscaping to separate the use from adjoining uses.
- f. Design, architectural detailing, building mass, bulk, orientation, and the location of buildings on the site including orientation to buildings on adjoining lots.
- g. Usable and permanent open space considerations.
- h. Signage and lighting.
- i. Noise, vibration, pollution, odors, steam, or other mechanical factors that might affect people and property off site.

- j. Review for impact on City infrastructure shall be made as outlined in the Section 10-3-090. All costs associated with infrastructure improvements shall be borne by the developer.
  - k. Other technical review matters as may be applicable or required to evaluate the impacts of the proposed project.
11. **Sensitive Lands Review:** If a conditional use is located within Sensitive Lands, additional requirements and regulations may apply. See the Sensitive Lands Provisions in Chapter 22.
12. **Design Review:** The Land Use Authority or Staff may review the proposal for appropriate design in order to create or maintain a desired architectural effect.
13. **Technical Review:** The Land Use Authority or Staff may complete a technical review if necessary. A committee may be set up to review and make suggestions to the Land Use Authority regarding unique concerns or features of a project that may be beyond the expertise of the Land Use Authority or Staff. Recommendations of that committee may be used as guidelines in the establishment of conditions of approval, as outlined in Section 10-3-120
14. **Impact on Public Infrastructure:** Review for impact on City infrastructure shall be made as outlined in the Section 10-3-090. All infrastructure improvements must be concurrently constructed and timed with the development. All costs associated with infrastructure improvements shall be borne by the Applicant. Impact fees will also be required to be paid by the Applicant and/or lot owner in accordance with the Coalville City Impact Fee Ordinance.
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### **10-3-130: LOW IMPACT PERMITS:**

**A. Purpose:** The purpose of the low impact permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying a low impact use. Low impact uses are identified in section 10-8-020, "Use Table", of this title. Upon compliance with the provisions of this section, a low impact permit may be granted by the City Council, with reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare.

**B. Applicability:** A low impact permit is utilized to obtain administrative approval for projects determined to be low intensity and which are in conformance with the development evaluation standards and general regulations of this title. An application for approval of a low impact permit shall be commenced by filing a plan and paying the applicable fee with the City.

#### **C. Review Procedure:**

1. The applicant shall provide a development plan and description of the proposed project. The plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community Development Director the applicant's intentions regarding use, site layout and compliance with this chapter, and any applicable ordinance, development permit, or development agreement.
2. In proposals where the Community Development Director determines that potential issues may arise, or additional comment is needed or has been received from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall make a recommendation to the City Council to either approve, approve with conditions, or deny the low impact permit.
3. The Community Development Director shall determine whether the application is sufficient and in compliance with the provisions of this Title. The Community Development Director may require the applicant to submit such additional information as may be necessary to determine whether the application conforms to all applicable requirements of this chapter.
4. The City Council shall take final action on the application for a low impact permit and shall communicate the decision to the applicant. The City Council may impose all reasonable conditions necessary to ensure compliance with applicable provisions of this Title. The Community Development Director may provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the final action in accordance with the provisions of this Title.

**D. Findings For Approval:** Before a low impact permit is approved, the City Council must conclude that factual evidence exists to verify the following findings:



1. The use conforms to all applicable requirements of this chapter and State and Federal regulations.
2. The use is consistent with the goals and policies of the General Plan.
3. The use conforms to all applicable requirements of this Title.
4. The use is not detrimental to public health, safety, and welfare.
5. The use is appropriately located with respect to public facilities and services.
6. The natural topography, ridgelines, soils, critical areas, watercourses, and vegetation shall be preserved where possible through careful site planning and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.

#### **10-3-140 TEMPORARY USES:**

- A. Purpose.** The following regulations are provided to accommodate those special events, activities, and uses of land or buildings which are temporary in nature and are not, therefore listed as regular Permitted or Conditional Uses in any zone district of the City. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of citizens. Any use, building or structure which does not meet the requirements of this section shall be classified as a permanent land use and shall conform to all required standards of the building, health, fire, and development codes or other ordinances.
- B. Authority.** Staff of Coalville City is authorized to review and approve Temporary Use applications. Based on the issues of the application, Staff may schedule a public hearing before the Land Use Authority and/or Legislative Body for review and approval of the project.
- C. Initiation.** A property owner, or the owner's agent, may request a Temporary Use permit.

**D. Uses Allowed.** Uses allowed on a temporary basis in accordance with provisions of this section may include, but are not limited to, the following:

1. Carnivals, circuses, fireworks stands, fireworks displays, Christmas tree lots, promotional activities or special events, boutiques, motion picture productions, revivals, retreats, political rallies, or campaign headquarters.

Uses shall not be allowed for more than thirty (30) days duration in that same calendar year.

Temporary Use approval shall NOT be required for a garage sale, provided following requirements are adhered to:

1. The garage sale operates no more than a total of five (5) days in any calendar year and,
2. Shall be conducted by bona fide residents of the premises and,
3. Goods for sale shall consist of personal belongings of the residents and
4. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.

**E. Approval Required Before Establishment.** Prior to the establishment of any qualifying Temporary Use, (except fireworks stands or fireworks displays which shall be administered by the North Summit Fire District), temporary use approval shall be obtained from the Staff or Land Use Authority.

Temporary Use approval is not required to meet the notification requirements of this Code; however, the proposed use shall comply with the requirements of this Code and the Building Code.

**F. City Celebrations or Events.** Any City sponsored celebrations or special events of a temporary nature are exempt from the requirements of obtaining Temporary Use approval as described by this Section.

**G. Procedure.**

1. The applicant shall submit a completed Application for Temporary Use Permit to the Staff.
2. Staff shall review the application for completeness
3. Staff shall process the application by doing the following

- i. Review the application for conformity with the Standards and Requirements of this code.
- ii. Determine if application adequately passes standards and requirements in a statement of findings of fact.
- iii. Communicate findings with applicant.
- iv. Approve, Approve with conditions, or Deny the application.

**H. Standards and Requirements.** A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:

1. **Appropriate for surroundings:** The nature of the requested use will not have any detrimental effects on adjacent properties and will be in harmony with surrounding uses.
2. **Liability Insurance:** Applicant must show proof of adequate liability insurance for the temporary use.
3. **Sanitary Facilities.** Any use requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same property as a host structure unless independent water and sewer service is provided for the temporary use. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:
  - a. No preparation of any food on that premises.
  - b. No indoor seating of patrons.
  - c. Written evidence that a host structure will provide permanent sanitary facilities for all employees and that such facilities are conveniently located not more than three hundred (300) feet from the area of use and will be accessible during all periods of operation of the use.
  - d. Written evidence that all food will be prepared and delivered from an approved catering service and that all waste resulting from the operation of the use will be properly disposed.
4. **Signs:** All signs associated with the temporary use shall be reviewed and approved in accordance with the sign standards of Title 9 herein and shall not be installed more than ten (10) days prior to the event and shall be removed within two (2) days following the event. The number of days signs are displayed for an event shall be included in the total days allowed for a temporary use as provided for in Title 9.



5. **Parking, Access, Circulation and Other Elements:** Parking, access, circulation, and other significant elements of any other uses or structures existing on the site shall be handled on a case by case basis.

Applicant will take steps to mitigate excessive and hazardous parking on adjacent streets. If needed, applicant will be responsible for all costs associated with traffic control.

6. **Expiration and Vacancy:** Approval for each Temporary Use shall bear an expiration date based upon the nature of the use. In no case shall approval be given for a period exceeding thirty (30) days. If any temporary structure becomes vacant prior to the expiration of the approval, it shall be removed within fifteen (15) days of the vacancy.
7. **Site Restoration:** The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, re-vegetation, replacement of facilities, and removal of any structures as determined by the Staff or Land Use Authority.
8. **Revocation of Approval:** An approval may be revoked in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use review.
9. **Business License Required:** A Temporary Use approval is not a business license and the granting of said temporary use shall not relieve the applicant of any other license requirement of the City or any other public agency.
10. **Fees:** A fee will be required to process the Temporary Use Permit, as assessed in the City Schedule of Fee's.
- I. **Standards for Decision.** The Staff shall review the application for a temporary use to determine whether the proposal complies with the standards and requirements of this Code, and shall issue a statement of findings of fact.  
  
Staff may also indicate whether the issue should be reviewed by the Land Use Authority and/or Legislative Body or if additional comment is needed from the community in a public hearing.
- J. **Appeal of Decision.** See Appeal of Administrative Decisions 10-3-150.
- K. **Effect of Decision.** Upon finding that the proposal complies with the applicable standards and requirements and can be adequately monitored and the site can be restored or structures removed within the time duration specified in the application, the Staff shall approve the temporary use with

conditions or deny the application and communicate the decision to the applicant.

### **10-3-150: APPEAL OF ADMINISTRATIVE DECISIONS:**

- A. Purpose.** This section sets forth procedures for appealing an administrative decision applying provisions of this title.
- B. Authority.** The Appeal Authority or the Legislative Body, as designated in these ordinances, and **Table 3-1 Section 10-3-040**, shall hear and decide appeals from administrative decisions applying the provisions of this title as provided in this section.
- C. Initiation.** Any person adversely affected by a decision administering or interpreting a provision of this title may appeal to the Appeal Authority or Legislative Body, as applicable. A complete application for an appeal shall be filed within fifteen (15) days of the decision which is appealed.
- D. Procedure.** Appeals of City actions shall be by letter or petition and contain the name, address, and telephone number of the petitioner; relationship to the project or subject property; and the reasons for the appeal, including specific provisions of this Code, that are violated by the action taken.

#### **1. Appeal Petitions Process.**

- a. The owner of the property acted on by the City, and any person living or owning property within the City has the right to appeal to final decision of the Land Use Authority or the Legislative Body regarding Planning and Zoning decisions.
- b. The petition must be filed in writing with the City Recorder within fifteen (15) calendar days of final project action.

The petition for the appeal shall have the following information:

- i. Name, address, and telephone number of the petitioner and agent, if any
  - ii. Name of the project
  - iii. Reason for the appeal.
- c. The City shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City, and can meet the notice requirements of Section 10-3-060.

- d. The City Recorder shall notify the petitioner and the owner of the project of the appeal date.
  - e. The City Recorder shall obtain the findings from the Land Use Authority and Legislative Body as outlined in 10-3-030(K), these and all other pertinent information shall be made available to the Appeal Authority for their use in the appeal process.
2. Action on Petitions. The Appeal Authority may affirm, reverse, or Affirm in part or reverse in part any decision of the Land Use Authority Legislative Body regarding planning and zoning decisions.

The Appeal Authority may remand the matter to the Land Use Authority or Legislative Body with directions for specific areas of Review or clarification.

Appeal Authority review of petitions of appeal shall be limited to Consideration of only those matters raised by the petition(s), unless The Board, by motion, enlarges the scope of the appeal to accept Information on other matters it may legally hear.

3. Stay of Approval Pending Review or Appeal. Upon the filing of an appeal to the Appeal Authority of a Land Use Authority or Legislative Body decisions, any action on the matter by the Land Use Authority or Legislative Body will be suspended until the Appeal Authority acts on the appeal.
4. Appeal from the Appeal Authority: The owner of any project, or any Person aggrieved by a decision of the Appeal Authority may appeal The final action by filing civil action in the District Court as provided by state law. The decision of the Appeal Authority shall stand, and those affected by the decision may act in reliance on it unless/or until the court enters an interlocutory or final order stating the effectiveness of the decision.
5. Any Appellant must show or demonstrate that damages have occurred As a result of a City action as specified in HB-388 (LUDMA).
6. Finality of Action: If no appeal has been filed at the end of fifteen (15) days from the date of final action by the Legislative Body, Land Use Authority or Staff, the action is final. The Legislative Body may extend the appeal time period on a particular project as deemed necessary.

## 10-3-160 VESTING OF RIGHTS

### Applications and Permits

- A. An applicant is entitled to approval of a land use application if the  
Conforms to the requirements of the Coalville City's zoning map and  
Applicable land use ordinance in effect when a complete application  
Is submitted and all fees have been paid, unless:
  - 1. The governing body, on the record, finds that a compelling, counter-  
vailing public interest in the form of Health, Safety, or Welfare, would  
be jeopardized by approving the application; or
  - 2. In the manner provided by local ordinance and before the application  
is submitted, the municipality has formally initiated proceedings to  
amend its ordinances in a manner that would prohibit approval of the  
application as submitted.
- B. The City shall process an application without regard to proceedings  
initiated to amend the municipality's ordinances if:
  - 1. 180 days have passed since the proceedings were initiated; and
  - 2. The proceedings have not resulted in an enactment that prohibits the  
Approval of the application as submitted.
- C. An application for a land use approval is considered submitted and  
Complete when the application is:
  - 1. deemed Complete by the proper Authority, and
  - 2. complies with the requirements of format, information, ect, of the  
applicable ordinances, and
  - 3. all applicable fees have been paid.
- D. The continuing validity of an approval of a land use application is  
conditioned upon the applicant proceeding after approval to implement  
the approval with reasonable diligence.
- E. The City shall not impose on a holder of an issued land use permit a  
Requirement that is not expressed:
  - 1. in the land use permit or in documents on which the land use permit  
is based; or

2. in the City ordinance.

F. The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:

1. in the building permit or in documents on which the building permit is based; or

2. in the City ordinances.

G. The City is bound by the terms and standards of applicable land use Ordinances and shall comply with mandatory provisions of those ordinances.

**Zoning:** Upon payment of the required application fees and submission of a completed application, an applicant shall be intitled to have a filed application reviewed and acted upon pursuant to the terms of this Development Code and Zoning Map in effect at the time of filing of a complete application, subject to the exceptions set forth below.

The applicant may take advantage of amendments to this Code and Zoning Map that would permit greater density or more intense use of the land, provided that these changes may be deemed a modification of the plan and require the payment of additional planning review fees.

Vesting of all permits and approvals terminates upon the expiration or termination of the permit or approval.

**Complete Applications:** For the purposes of this Code, a complete application Includes all documentation required by:

1. this Code,

2. other relevant laws and ordinances of Coalville City,

3. relevant state and federal laws, and

4. any other information deemed necessary by the Staff or Land Use Authority to complete a thorough review of the proposed project.

No application will be deemed complete prior to the Concept Plan meeting with the Land Use Authority.

At the Concept Plan meeting with the Land Use Authority, the applicant will be informed of any information required in order for the application to be considered complete.

Upon receipt of the information required by this Code and any additional information required by the Staff or Land Use Authority, the application will be deemed complete.

An applicant may not appeal the need to provide information required by this Code or any other City ordinance, or any state or federal law.

However, any applicant may appeal the need to provide any additional information requested by the Land Use Authority to the Legislative Body on the next available meeting of the Council with adequate time to fully discuss the matter.

**Non-Zoning:** Non-zoning related matters, including, but not limited to, site development standards, procedural requirements and building code requirements will not be vest until complete building permit applications have been filed and required fees have been paid.

Water and sewer connection availability, costs of water and sewer connection and water development fees, applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.

**Exceptions:** Applicants shall not be entitled to review and approval of applications pursuant to the terms of this Code when revisions to this Code are pending that would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.

#### **10-3-170 ANNEXATIONS:**

All annexations shall be consistent with the Coalville City Annexation Policy Declaration. Upon receiving a petition for annexation, the City will take action in accordance with the relevant sections of the Utah Code.

#### **10-3-180 STREET VACATIONS:**

A. Procedure. The following procedures shall apply to any requests for the vacation of a public street or right-of-way:

1. Utah State Law governs the procedure by which a public street or right-of-way may be vacated or closed. State Law also specifies the method of public notice, and who must be noticed.
2. Staff reviews the request, including the City's Transportation Engineer and City Surveyor, and makes a recommendation to the Land Use Authority and Legislative Body.

3. The City notifies in writing all owners or operators of underground facilities and utility facilities who have facilities within the boundaries of the street to be vacated, closed or name changed.
  4. The Land Use Authority will hold a public meeting to consider the Vacation/Closure/Name Change, and forward a recommendation that considers the following:
    - a. there is good cause for the action; and
    - b. the action will not be detrimental to the public interest.
  5. Notice of the Public Hearing is published. Public Notices are required if all adjacent property owners of the subject street have not jointly filed the application for street vacations and closures.

The Public Notice must run in the newspaper once a week for four consecutive weeks prior to the hearing date.
  6. The Legislative Body will hold a public hearing to consider the Vacation/Closure request and take one of four actions:
    - a. approve the request as a "vacation";
    - b. approve the request as a "closure";
    - c. remand the request to the Land Use Authority or staff for further research and study; or
    - d. deny the request (the street remains public and is not vacated or closed).
- For a Street Name Change, the Legislative Body may:
- a. approve the name change,
  - b. deny the name change, or
  - c. remand to the Land Use Authority for further study,
7. If the Street or Right-of-Way is "Vacated", then new legal descriptions are prepared by the City Surveyor to deed the street equally between all abutting property owners to the centerline of the street. The new legal descriptions are attached as an exhibit to the ordinance adopted by the Legislative Body approving the Vacation.
  8. If the Street or Right-of-Way is "Closed", the legal description is attached as an exhibit to the ordinance adopted by the Legislative Body approving the Closure. The street becomes Real Property that can be sold, or developed. Closed streets are often sold to interested persons at market value.

9. If the Name of the Street is changed, the old and new names will appear as an exhibit, along with a legal description of the section of street to be renamed as an exhibit to the ordinance approving the change.
10. The Ordinance adopting the street vacation/closure/name change is recorded with the Summit County Recorder. If recorded as a Vacation, then legal descriptions for adjacent properties will be amended to include the adjacent portion of the street. The County Tax Maps will be amended to reflect the change, and the wording "Vacated" will generally appear on the maps, often with the ordinance number adopting the vacation. If recorded as a Closure, the County will assign a parcel tax identification number, and the City may then sell or transfer the real property, or keep the property for other public uses. If recorded as a Name Change, the county will notify the Post Office of the new street name, and Coalville City will erect new street signs to reflect the new street name.
11. For street name changes. If the street name being changed was originally a coordinate name (i.e., 500 South),
  - a. The new street sign will include the street coordinate in addition to the new street name.
  - b. The coordinate will be in a smaller font and appear subordinate to the new name.

For name changes from all other types, only the new name will appear, along with the appropriate coordinate (if applicable).
12. Street Vacation/Closure/ Name Changes generally take 8-12 weeks to process. The process can be shorter or longer, depending on the request and the issues raised at the hearing.

**B. Information Required For a Complete Submittal.**

1. Completed General Development Application Form.
2. Letter Describing the Proposed Street Vacation/Closure and reasons or justifications for the granting the request. The letter should address why the Vacation/Closure will not be contrary to the City's General Plan (including the Transportation Element), or contrary to the City's Land Development Code.



3. Legal Description of proposed street to be vacated or closed. Legal Description should be accompanied by a drawing showing the boundaries of the area proposed to be vacated/closed.
4. Name Change. For requests to change the name of the street, you must submit a letter from the County Recorder approving the proposed street name.
5. Other Information which will aid the Land Use Authority in making a proper determination (as may be determined by the Planning Staff):
6. Copy of Property Plat of the area (where applicable). This information is available from the Summit County Recorder's Office.
7. Names and Addresses of all Property Owners of Current Record, including your own, who are immediately adjacent to the proposed street to be vacated/closed,, typed on mailing labels. (This information is available from the Summit County Recorder's Office, as posted above.)
8. Filing Fees: as determined in Coalville City Schedule of Fees.

### **10-3-190 UNCONTESTED LOT LINE ADJUSTMENT PROCEDURE:**

**A. Application.** The following procedures shall govern the review and approval of any lot line adjustments.

1. An Application for Uncontested Lot Line Adjustment (boundary changes) shall be made to the Community Development Department on the prescribed application. All owners of record must sign the application.
2. The following items shall be submitted with the application:
  - a. The signatures of approval of all abutting property owners and property owners directly across any abutting street(s) on the attached form provided by the planning division.
  - b. Three (3) 24" x 36" and one (1) 11" x 17" copies of a preliminary plat drawing, showing the land to be subdivided, properly and accurately drawn to scale also showing existing and proposed boundaries, all improvements (houses, driveways, trees, etc.), and required building setbacks that may be affected by the proposed boundary change.

Plats need to be certified as accurate by a registered land surveyor or professional engineer.

- c. A current Sidwell map from the Summit County Recorder's office showing the entire subject area with property ownership boundaries.
- d. Evidence that any holders of Deeds of Trust have no objections to the proposed boundary changes.
- e. Title reports covering all parcels involved dated within 30 days.
- f. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.
- g. Filing fee of \$250 + Notification and Publication Costs due at time of application.

**B. Processing.**

1. All uncontested Lot Line Adjustment applications shall be reviewed by the Community Development Director or Staff and the City Engineer. The review will contain the following:
  - a. Lot size remains conforming to the existing zoning ordinance. If the lots are currently nonconforming as to size, they cannot become further nonconforming (smaller).
  - b. Setbacks remain conforming or do not become further nonconforming.
  - c. Lot frontage and lot depth requirements remain conforming.
  - d. The existing houses do not become nonconforming as to Floor Area Ratio requirements of the zone.
  - e. The existing buildings meet the requirement of the Uniform Building code for fire separation or fire wall construction.
2. After review by the Community Development Director or Staff, the applicant will be notified of any requirements that must be met before the certificate or map can be recorded.
3. The Community Development Director has authority to approve any Uncontested Lot Line Adjustments. The Community Development Director may approve or deny the application but may not attach conditions, except to meet the requirements of the Building or Zoning

regulations. If the application is denied, the applicant may appeal this decision to the Land Use Authority.

4. The Community Development Director shall not approve any Contested Lot Line Adjustments; Contested Lot Line Adjustments must be presented before the Planning Commission and City Council for approval.

#### **C. Final Action.**

1. Any corrections that must be made will be sent your Licensed Surveyor or Civil Engineer, and corrected documents resubmitted.
2. The Community Development Director will sign the Certificate of Lot Line Adjustment once the legal descriptions and map documents have been reviewed and approved by the City Engineer.
3. The Coalville City Clerk's Office will send the documents to your title company with instructions for recording.

#### **D. Additional Information.**

1. Legal descriptions and maps of the new parcel configurations shall be prepared by a Registered Civil Engineer or Licensed Land Surveyor, these are the only persons authorized to prepare such documents.
2. The applicant shall provide new Grant Deeds for the new parcel configurations and arrange for the recording of these documents.

#### **10-3-200 EXACTIONS:**

The city may impose an exaction or exactions on proposed land use development if:

1. an essential nexus exists between a legitimate governmental interest and each exaction; and
2. Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

#### **10-3-210 SENSITIVE LANDS REVIEW:**

Any project proposed in an area defined as Sensitive Lands in this Code or containing lands designated as sensitive by the City may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations of Chapter 22 of this Code.

## 10-3-220: SHORT-TERM RENTALS

**A. Purpose.** The purpose of this chapter is to provide a fair process for the licensing and administration of Short-Term Rental Licenses in Coalville City.

**B. Definitions.** For the purposes of this Chapter, the following definitions shall apply:

1. Lodger means any person who, individually or as part of a group, reserves and resides in a Short-term Rental.
2. Owner Occupied means a dwelling in which the property owner, whether an individual, couple, or principle of an LLC or Trust, as listed on the City records, currently and permanently resides for no less than 6 months of the year.
3. Short Term Rental means Short-Term Nightly Rental. The rental of any single-family residential dwelling, or any portion thereof, for a period of less than 30 days to a single entity or person.
4. Room Rental means the short-term rental of a portion of a single residential dwelling that is owner occupied.
5. Home Rental means the short-term rental of an entire dwelling that is owner occupied.
6. Accessory Dwelling Unit (ADU) means an accessory residential single-family dwelling unit, but not a mobile home, with required limitations and located on the same lot as a single-family dwelling or in a detached accessory structure.
7. Vacation Rental means the short-term rental of an entire dwelling that is not owner occupied.

**C. Licenses Required.** It is unlawful to engage in a Short-Term Rental business without first receiving a Business License from the City. All Short-Term Rental Business Licenses shall comply with the following:

1. Rental owners shall be onsite or be managed by a rental manager located within (10) miles of the rental property. Contact information for said rental managers shall be on file with the City.
2. Rentals are subject to annual review and/or passing an inspection by the Following:
  - a. Summit County Health Department
  - b. North Summit Fire District

3. Coalville City and its departments maintain the right to inspect any Short-Term Rental for the purpose of determining compliance with State, Local, Health, and Safety codes, upon the City's request.
4. Modifications to buildings that include, but are not limited to, remodels, basement finishes, pools, and accessory buildings, require a building permit.
5. Exterior signs associated with short-term rentals are prohibited.
6. The following shall be posted inside the dwelling:
  - a. Coalville City Business License
  - b. Fire District and Health Department certifications
  - c. Rental Manager Name, Address and Contact information
  - d. Occupancy limit
  - e. Parking plan
  - f. Summary of Quiet Hours and Noise Restrictions.
7. Commercial activities are prohibited.
8. Recreational Vehicles, Campers, or other travel trailers are not allowed as Short-Term Rentals and must be parked off the public street in a designated parking area.
9. Tents or other temporary structures intended for sleeping are prohibited.
10. Room Rental. Room Rentals are permitted in any single-family residential dwelling so long as the following provisions have been met:
  - a. Room Rentals are limited to no more than one reservation at a single time.
  - b. Room Rentals are limited to no more than two bedrooms in the dwelling.
  - c. Property owners shall be present during the hours of 10 PM – 7 AM for the entirety of the reservation period.
  - d. Lodgers shall be limited to no more than one vehicle.
  - e. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.



- f. Owner Occupied Accessory Apartments are considered a Room Rental and shall comply with these provisions.
- 11. Home Rental. Home Rentals are permitted in any single-family residential dwelling so long as the follow provisions have been met:
  - a. The entire dwelling shall be rented with a single reservation. Occupancy shall not exceed that of a Family as defined in Title 10-2, or 8 individuals, whichever is more.
  - b. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
  - c. Lodgers shall be limited to no more than 4 cars, based upon off street parking availability.
- 12. Vacation Rental. Vacation Rentals are permitted in any single-family residential dwelling so long as the following provisions have been met:
  - a. The entire dwelling shall be rented with a single reservation. Occupancy shall be limited to 1 lodger per 200 square feet, not to exceed 12 lodgers.
  - b. Lodgers shall not park on the street. Garages shall be clear and available to patrons for parking. All cars shall be located in a garage, driveway, or permitted parking area.
  - c. Lodgers shall be limited to no more than 4 cars, based upon off street parking availability.
  - d. The following shall be posted on the exterior of the property:
    - 1. Property Manager name, phone number, address, and email address
    - 2. Business License number.
- 13. All Short-Term Rentals are subject to Noise Disturbance regulations in Title and any applicable transient room tax assessments.
- 14. The total number of Short-Term Rentals in the City shall not exceed 5% of the total number of primary households, with no more than three (3) Short-Term Rentals allowed within a 500-foot radius in the Residential and Agricultural Zones of the City.

**D. Application Form:** The City shall provide a standard Application Form for Short Term Rental Licenses. Each Application Form shall require the following information, documentation, and fee:

1. Review of Written Disclosures. An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.
2. Contact Information:
  - a. Applicant's name, telephone number, home address, mailing address, and email address.
  - b. Applicant's business name, telephone number, business address, mailing address, and email address.
  - c. Proof of Identity. An in-person verification by the City of the Applicant's true identity by use of any of the following which bear a photograph of said applicant:
    1. Valid driver's license issued by any State.
    2. Valid passport issued by the United States.
    3. Valid identification card issued by any State; and
    4. Valid identification issued by a branch of the United States military.
4. Upon verification of identity, the original identification submitted to establish proof of Identity shall be returned to the Applicant.
5. Rental Manager Information:
  - a. Manager name.
  - b. Managing company name.
  - c. Managers contact address, phone number, and email.
6. Proof of Registration with Department of Commerce. The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce.
7. Properties list. A list of all Short-Term Rental properties owned and/or operated by the business, including address and parcel ID number.

8. HOA Consent. A letter of consent from the Homeowners Association is required for any properties that are governed by a HOA.
  9. Site and Floor Plans. A site plan and floorplan including the following shall be required for each property listed under the license:
    - a. Layout of property.
    - b. Designated parking areas.
    - c. Floor plan of building with area in square feet that will be used for short-term rentals.
  10. Fees. The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application. Refer to the City Fee Schedule for current fees.
  11. Execution of Application. The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful, and accurate.
  12. Sales Tax Number: The Applicant shall provide the business sales tax number required for transient room tax assessment.
- E. Maintenance of Registry:** All Short-Term Rentals shall maintain a register of lodgers and individual bookings. This register shall be available to the City upon written request.
- F. Non-Transferability:** Short Term Rental Licenses are non-transferable between property owners or business owners. Upon the change of business or property ownership, a new license will be required.
- G. No Property Rights Conferred:** Short Term Rental Licenses shall not be construed as providing property right or vested interests and entitlements in continued operation of a Short-Term Rental. Short Term Rental Licenses are revocable licenses which expire annually. Short Term Rental Licenses shall not run with the land.
- H. Denial, Suspension, or Revocation:**
1. Denial: The City shall deny a Short-Term Rental application for the following reasons:
    - a. The application is not complete or does not comply with the



- requirements of this chapter.
- b. The property is in violation of provisions of this chapter or any other Title, Chapter, or Section of the Coalville City Municipal Code.
  - c. The applicant has any licenses that are currently suspended or revoked.
2. Suspension or Revocation. The City may either suspend or revoke a Short-Term Rental License when any of the reasons warranting the denial of an application occurs. The process for suspension and revocation are as follows:
- a. Suspension: Short Term Rental Licenses will be suspended upon the second instance of violation of this chapter, or any other Title, Chapter, or Section of the Coalville City Municipal Code, or failure to resolve any violation within the required time period. Suspensions shall be a minimum of 3 months or until the violation is resolved, whichever is greater, but not to exceed 6 months.
  - b. Revocation. Short Term Rental Licenses will be revoked upon the third instance of violation of this chapter or any other Title, Chapter, or Section of the Coalville City Municipal Code, or upon failure to resolve any violation during the suspension period, notwithstanding the number of instances of the violation. Revoked Short Term Rental Licenses will become null and void and require a new application. Applicants with a revoked license may not apply for a new business license for a period of 6 months following the revocation of their license or until the violation has been resolved, whichever is greater.
3. Notice of Denial, Suspension, or Revocation. Upon determination of the Licensing Officer to deny an Applicant's Completed Application, suspend a current Short Term Rental License, or revoke a current Short-Term Rental License, the City shall cause written notice to be sent to the Applicant or Registered Manager by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial, suspension, or revocation, and the documentation or information the City relied on to make the decision.
4. The penalty for operating a Short-Term Rental without a business license or approval is a \$1,000 fine, in addition to Daily Non-Compliance Fines per the Coalville City Fee Schedule.

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